

Chief Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

HENRY ROSENAU

## Defendant.

No. CR06-157MJP

**DEFENDANT'S PROPOSED  
NEUTRAL STATEMENT OF  
THE CASE**

The Defendant, Henry Rosenau, by and through his counsel of record, Craig A. Platt, respectfully submits the following proposed neutral statement of the case:

The Federal Government of the United States of America has accused Henry Rosenau of being a part of a group of people who brought marijuana from Canada into the United States starting sometime in 2004 and continuing through September 21, 2005. The Federal Government claims this group placed marijuana into hockey bags and traveled across the border by helicopter. The Federal Government further alleges some members of the group loaded the marijuana onto helicopters in Canada. The Federal Government also alleges that other members of this group were in the United States. The Federal Government also claims that members of

DEFENDANT'S PROPOSED  
NEUTRAL STATEMENT/ROSENAU-1  
No. CR06-157MJP

PLATT & BUESCHER  
Attorneys at Law  
P.O. Box 727  
Coupeville, WA 98239  
Phone: (360) 678-6777  
Fax: (360) 678-0323

1 this alleged group took the marijuana off of the helicopters and delivered it to other people.  
2 Ultimately, the Federal Government claims that Henry Rosenau was a pilot who flew helicopters  
3 with marijuana from Canada into the United States.  
4

5 The fact that the Federal Government has accused Mr. Rosenau of this is insufficient for  
6 a finding of guilt. Mr. Rosenau states that he is innocent and has entered a plea of not guilty.  
7 Mr. Rosenau's plea of not guilty puts at issue every element of each crime charged. The Federal  
8 Government is the plaintiff and has the burden of proving each element of every crime charged  
9 beyond a reasonable doubt. The defendant has no burden of proving that a reasonable doubt  
10 exists. The defendant has no burden of proving that he is innocent.  
11

12 Mr. Rosenau is presumed innocent. This presumption continues throughout the entire  
13 trial unless during your deliberations you find that the Federal Government has overcome this  
14 presumption by the evidence beyond any and all reasonable doubt.  
15

16 A reasonable doubt is one for which a reason exists and may arise from the evidence or  
17 lack of evidence. A reasonable doubt is such a doubt as would exist in the mind of a reasonable  
18 person after fully, fairly, and carefully considering all of the evidence or lack of evidence.  
19

20  
21  
22  
23  
24 Respectfully submitted this 18<sup>th</sup> day of April, 2012.  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

PLATT & BUESCHER

s/Craig Platt  
Craig Platt  
Attorney for Defendant  
WSBA #12396  
P.O. Box 727  
Coupeville, Washington 98239-0727  
Telephone: (360) 678-6777  
Fax: (360) 678-0323  
Email: craig@plattbuescher.com

45 DEFENDANT'S PROPOSED  
46 NEUTRAL STATEMENT/ROSENAU-2  
47 No. CR06-157MJP  
48

49 PLATT & BUESCHER  
50 Attorneys at Law  
P.O. Box 727  
Coupeville, WA 98239  
Phone: (360) 678-6777  
Fax: (360) 678-0323

1  
2                   CERTIFICATE OF SERVICE  
3  
4

5  
6 I hereby certify that on 4/18/2012, I electronically filed the foregoing with the Clerk of  
7  
8 the Court using the CM/ECF system which will send notification of such filing to the attorney(s)  
9  
10 of record for the plaintiff.  
11  
12

13                   s/Jill Ogren \_\_\_\_\_  
14                   Legal Assistant  
15                   Platt & Buescher  
16                   P.O. Box 727  
17                   Coupeville, Washington 98239-0727  
18                   Telephone: (360) 678-6777  
19                   Fax: (360) 678-0323  
20                   Email: reception@plattbuescher.com  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

45 DEFENDANT'S PROPOSED  
46 NEUTRAL STATEMENT/ROSENAU-3  
47 No. CR06-157MJP  
48  
49

50 PLATT & BUESCHER  
Attorneys at Law  
P.O. Box 727  
Coupeville, WA 98239  
Phone: (360) 678-6777  
Fax: (360) 678-0323